


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Domestic Violence Reporting Procedures		AOM: O-211, tb1
Massachusetts Police Accreditation Standards Referenced:		Issuing Authority Jody Kasper Chief of Police
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I. Introductory Discussion

A. The purpose of this Training Brief is to provide officers with detailed instructions regarding the reporting procedures required for the following instances:

- Incident Reports for Domestic Disturbance/Violence Situations;
- Reports regarding instances of Child/Elder Abuse; and

- Activating the Emergency Judicial Response System.

This brief is a supplement to **AOM 0211 Domestic Violence**.

II. Incident Reports

A. Incident reports will be filed whether or not an arrest is made. The reporting requirements of any other crime scene should be applied to domestic violence incidents. Prosecution and subsequent legal action can be greatly helped by:

1. Documentation and description of Physical injuries.
2. Photographs of the injuries.
3. Documentation and photographs of the scene.
4. Noting the presence and age of children in the household.
5. Noting the nature of the relationship between the parties involved.
6. Written statements from victims and witnesses.
7. Documentation of any prior history of such disputes and whether there were any protective orders in effect. (Since the initial investigation should determine the existence of any history of abuse, that information must be included within the report.)
8. Obtain a copy of the dispatch tape when an arrest is made or charges are brought.
9. Complete a domestic violence checklist to ensure report has complete information. See **AOM 0211.b NPD Domestic Violence Checklist**.
10. Complete strangulation worksheet if applicable.

B. Whenever any law officer investigates an incident of domestic violence, the officer shall immediately file a written report in accordance with departmental procedures.

1. The principal responding and investigating officer shall be required to submit a detailed incident report for every domestic disturbance he/she responds to and investigates. If necessary, any backup or additional responding officer or supervisor shall submit a detailed supplement report. The report(s) shall include whether the incident, offense, alleged offense or arrest involved abuse as defined in M.G.L. c. 209A. All such incident reports and supplements shall be completed before the respective officer(s) leave from duty.
2. Domestic violence reports shall be accessible at all reasonable times to:
 - a. Law enforcement officers and persons authorized to admit person to bail (upon all forms of request).
 - b. Victims (at no cost), victim's attorneys and others authorized by the victim, upon written request.
 - c. Victim Witness Advocates, Domestic Violence victim's counselors, sexual assault counselors if necessary in the performance of their duties, upon written request.

To ensure the confidentiality of domestic violence records, with the exception of the victim, reports shall be reviewed and redacted accordingly in response to other requests. The Records Bureau staff shall ensure that all information falling under Criminal Offender Records Information (C.O.R.I.) restrictions is obscured prior to release.

3. All police departments that require an investigating officer to complete a report concerning an incident, offense, alleged offense, or arrest on a form provided by the department, shall include on said form a space to indicate whether such offense, alleged offense or arrest

involved abuse as defined in M.G.L. c. 209A.
(Check the Domestic Violence box on reports)

C. The Department's Records Bureau shall include the requested information on incidents of Domestic Violence in the Uniform Crime Reports submitted to the Criminal History Systems Board.

III. Elder Abuse

A. If there is reasonable cause to believe that an elder person (a person sixty years old or over) is suffering from abuse, the principal responding and investigating officer shall complete the appropriate report in the Departmental Computer System in addition to completing the following requirements:

1. An immediate verbal report of elder abuse shall be made to the following services:

a. The Highland Valley Elder Service is the designated agency to be contacted during normal business hours (586-2000); and

b. The Elder Abuse Hotline shall be contacted at all other times (1-800-992-2275).

c. The officer should advise the elder person that a report is being filed.

2. An *Elder Abuse Mandated Report Form* shall be submitted within 48 hours to the Executive Office of Elder Affairs or its designated agency.

IV. Child Abuse

A. Where children are present at a domestic dispute, their welfare and safety must be a major consideration. However, children should be

interviewed at the scene without exception. Each child's name and DOB shall be obtained for the report.

- B. A report will be filed with the Department of Children and Families whenever a police officer has reasonable cause to believe that a child under the age of 18 has been abused or neglected, in accordance with M.G.L. c.119, §51A. (This includes witnessing domestic violence). During office hours, contact the local DCF office at 413-775-5000. After hours, call the hotline: 1-800-792-5200.
- C. Officers should file abuse reports against the offender abusing or neglecting the child. When an officer files a 51A child abuse report, he/she should tell the non-offending parent or caretaker and explain the filing process, including the fact that the report is being filed against the abuser, not the caretaker who is also a victim of abuse.
- D. Officers should be aware that in serious cases of child neglect or abuse any person may apply to an appropriate juvenile court to have custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred, on an emergency basis, to the Department of Children and Families or a licensed child care agency or individual (M.G.L. c. 119, §24).

V. Abuse of a Disabled Person

- A. Whenever an officer has reasonable cause to believe that a caretaker has abused/neglected a disabled person, between the ages of 18 and 59, in accordance with M.G.L. c.19C, §10, he/she shall:
 - 1. Immediately provide an oral report to the Disabled Persons Protection Commission (1-800-426-9009);

2. Provide a written report to the Disabled Persons Protection Commission within 48 hours; and
3. The officer should advise the disabled person that a report is being filed.

VI. Emergency Judicial Response System

A. EJRS Information Collection: When a request is made to activate the EJRS the officers involved are expected to act in a professional manner in dealing with all parties and must ensure that all information on the order is correct. When calling the judicial response system judge, the officer should be prepared with as much of the following information as possible and make every effort to answer all questions.

1. Full name, address and date of birth of the victim.
2. Full name, address(es), date of birth and brief history of the alleged abuser (to include B.O.P. check).
3. Full names, addresses, and dates of birth of all children subject to custody.
4. Knowledge of whether or not the victim, in addition to wanting a refrain from abuse order, also wants the order to require vacating of the premises, the awarding of temporary custody of involved children, a no-contact order (direct or indirect), and/or the return of any house keys forthwith to the victim.
5. Knowledge of how the abuse was caused, and all the particulars regarding the incident. The judge may inquire into why an arrest was not made when circumstances indicate that one could have been made. The officers should be prepared to provide an explanation in such cases.

B. Handling the Request: Over the phone, every effort should be made to be efficient and to avoid any unnecessary delays when speaking to the judge, victim, or other involved parties. The officer should carry out this function in an efficient, courteous, and professional manner. Not unless absolutely necessary, should any party be placed on hold. The desk officer should be informed of the circumstances of the incident. Thus, when the judge calls, a conference call can be arranged so that the judge can speak to the victim.

C. Taking Instruction From The EJRS Judge: The officer should note the following information provided by the judge on the Abuse Prevention Order (FA 2 (9/95) ;

- The judge's full name,
- The date and time of the order
- The date and time of the hearing indicating a.m. or p.m. (keeping in mind the intervention of Sundays and Holidays)
- Ensure the judge indicates Box 12 (Firearms provision) should be checked

After completing the Order, the officer should read the information back to the judge to ensure that it is accurate and correct. The officer will then print the judge's name in the appropriate space on page 2, note the date and time of the signing and then initial the Order.

D. The Question of Service: In section B on page 2 of the Abuse Prevention Order, the judge will advise if the Order is to be served-in-hand or left at the defendant's residence. It must be determined by the judge which of the two boxes on the Order he/she wants checked.

NOTE: If a victim is unable to appear in court due to a severe hardship caused by their physical condition, officers

can seek an order by contacting the court. A representative may appear in court on behalf of the victim to seek an emergency or temporary order. Officers shall advise these victims that a representative may appear on their behalf.

VII. Domestic Violence Intervention Project (DVIP)

Refer to **AOM O211 tb3 Domestic Violence Intervention Project** for more information on this program.